

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 v.

7 PAUL EDWARD DAVIS,

8 Defendant.

Case No. 2:13-cr-00301-APG-CWH

**ORDER DENYING MOTION TO
REOPEN DETENTION HEARING**

(Dkt. #203)

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10 On September 4, 2014, defendant Paul Edward Davis filed a motion (Dkt. #203) to reopen
11 his detention hearing. The Government opposes the motion. (Dkt. #204.)

12 On July 31, 2013, Magistrate Judge Hoffman entered an Order of Detention as to Mr.
13 Davis. (Dkt. #6.) On September 25, 2013, Mr. Davis personally filed a motion to re-hear that
14 determination. (Dkt. #35.) Judge Hoffman denied that motion because it was not filed by
15 counsel. (Dkt. #37.) On November 12, 2013, Mr. Davis's then counsel filed a motion to
16 reconsider the detention order. (Dkt. #42.) The Government opposed that motion, and on
17 November 25, 2013 Judge Hoffman denied the motion. (Dkt. #46.) Mr. Davis filed another
18 motion to reopen the detention hearing (Dkt. #108), which I denied because Mr. Davis presented
19 no new material information that was not known to him at the time of the initial detention
20 hearing, and because Mr. Davis's conduct in connection with this litigation confirmed the need
21 for detention. (Dkt. #129.) Mr. Davis again moves to reopen his detention hearing based on:
22 (1) the Government's filing of expert witness notices and a superseding indictment, (2) evidence
23 that Mr. Davis was employed at the time of his arrest and that he still has employment with the
24 same company, and (3) evidence that Mr. Davis made all court appearances in a prior federal case
25 despite facing a potentially lengthy sentence.

26 A defendant ordered detained by a magistrate judge may file a motion for revocation or
27 amendment of the order. 18 U.S.C. § 3145(b). The district judge reviews a magistrate judge's
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1 detention order de novo. *United States v. Koenig*, 912 F.2d 1190, 1192-93 (9th Cir. 1990). “The
2 district court is not required to start over in every case, and proceed as if the magistrate’s decision
3 and findings did not exist.” *Id.* at 1193. Instead, “[i]t should review the evidence before the
4 magistrate and make its own independent determination whether the magistrate’s findings are
5 correct, with no deference.” *Id.*

6 Reviewing the present motion de novo, Mr. Davis has not presented any new information
7 that was not known to him at the time of the initial detention hearing and that has a material
8 bearing on the issue of whether there are conditions of release that will reasonably assure his
9 appearance and the safety of the community. 18 U.S.C. § 3142(f)(2). His employment and his
10 record of appearing for court proceedings during the prior federal case are facts that were known
11 to him at the initial detention hearing. The Government’s expert witness notices and the
12 superseding indictment, even if new, are not material to the issue of whether there are conditions
13 of release that will reasonably assure Mr. Davis’s appearance and the safety of the community.
14 As I stated in my prior Order, Mr. Davis’s actions in connection with this litigation confirm the
15 need to keep him detained. Thus, there is no basis to reopen the detention hearing.

16 Accordingly, IT IS HEREBY ORDERED that Defendant’s Motion for Review of
17 Detention (Dkt. #203) is DENIED.

18 Dated: November 25, 2014.

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22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE
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